CONFERENCE ON DISARMAMENT

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Discussion Paper

Radiological Weapons

I.

1. The agenda for the 2002 session of the CD contains under item 5 the issue of radiological weapons. No Ad Hoc Committee has been established on this topic since 1993.
2. Against the backdrop of an overall changed security situation, the new threats of terrorism and in particular the fact that a "dirty bomb" could be a terrorists' weapon of choice it is suggested to explore whether the issue of radiological weapons should again be actively considered by the Conference on Disarmament.
3. The exploration should be undertaken on the basis of the following understanding:
   - The discussion should establish whether a ban on radiological weapons should be pursued; a mere continuation of the work that was conducted by the CD until 1992 should not be the goal of the exercise.
   - Any approach considered for radiological weapons should strengthen and not detract from or duplicate initiatives and efforts undertaken by the IAEA, States and relevant regulatory bodies aimed at reducing the threat of nuclear theft and sabotage.
   - The consideration of the issue of radiological weapons should be conducted independently from the other issues which the CD has primarily focused on over the last months and years; i.e. it should not be construed as detracting from the need to overcome the present stalemate in the CD and start substantive work on these other issues.

II.

1. For a long time radiological weapons have been considered a secondary issue, as no such weapons have existed and as, during the discussion of the subject, a number of problems have arisen with regard to definitions, scope and verifiability of a treaty (originally suggested in a joint working paper submitted to the CD by the US and the USSR in 1979) on banning the development, production, stockpiling and use of radiological weapons.
2. Revisiting the issue today we have to proceed from the following:
   There is now an acute awareness of the risks that a "dirty bomb" could be used in particular by non-State actors. In the face of inadequate controls of the world's radioactive sources

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there is now a special focus on protecting nuclear material against terrorism or theft. The IAEA is serving as a catalyst for these efforts by inter alia providing assistance to States, establishing recommendations for minimum levels of security and providing the forum for amending the Convention on the Physical Protection of Nuclear Material of 1980 with a view to extending its coverage. Still there is no treaty requiring countries using radioactive material usable for radiological weapons to protect it from being stolen. As the Director-General of IAEA Mohamed ElBaradei put it: "Bringing the global inventory of radioactive material under proper controls will require a sustained and concerted effort".

III.

Exploring the issue of radiological weapons the following aspects could be addressed:

- Should radiological weapons be banned? Could such a ban, which would create a new international norm, contribute to addressing the new security threats that we are facing?
- Could such a ban further legitimize and give an impetus to international efforts aimed at providing for more effective protection and control of radioactive materials?
- Could an agreement or treaty help enhance international cooperation on the protection of radioactive materials by e.g. providing for a provision to that effect?
- Could such an agreement or treaty also help prevent non-State actors from gaining access to relevant radioactive material/acquiring radiological weapons? (cf. the CWC contains a specific provision which establishes a common minimum standard of national implementation and inter alia requires the enactment of penal legislation relating to any prohibited activity undertaken anywhere on the territory of each State party or in any other place under the jurisdiction of control of that party.)
- Is it possible to arrive at an agreed definition of radiological weapons? (A clear distinction would have to be drawn between nuclear and radiological weapons. Radiological weapons might be conceived as weapons containing radioactive material, but not using that material to produce a nuclear explosion, as is the case with a nuclear weapon. To illustrate the point: dirty bombs would be constructed of conventional explosives and radioactive material, the detonation of which would result in the dispersion of the radioactive material contained in the bomb.)
- Should a treaty or agreement on radiological weapons contain verification provisions? Would a consultation and cooperation mechanism make sense? (cf. recent proposal by Senator Richard Lugar to create an international verification body holding all the States that possess WMD or programmes that support them accountable. Under the rules he proposes for that body, the relevant nations would be required to secure weapons and materials from theft or proliferation.)